

1387

NDDDC

IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

BREACH OF CONDITION

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)
("the Act")

ISSUED BY: North Devon District Council ("the Council")

1 **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to it that there has been a breach of planning control, under Section 171A(1)(b) of the Act, at the land described below. The Council consider it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED** (shown edged red on the plan attached)

Land at Gidley Barton, Meshaw, South Molton, North Devon

("the land")

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

On 14th December 1992 under ref. 14930 ("the Application") the Secretary of State for the Environment granted, on appeal, planning permission for the retention of two mobile homes on the land for use by the appellant and family subject to conditions. One of those conditions is that the mobile homes and works permitted be removed and the land reinstated to its former condition, on or before 31st December 1995 ("the planning permission")

It appears to the Council that the condition has not been complied with because the mobile homes (the approximate position of which are shown with red crosses on the attached plan) have not been removed from the land.

4. **REASONS FOR ISSUING THIS NOTICE**

The Council consider it expedient to issue this notice for the following reasons:

It appears to the Council that the above breach of planning control has occurred within the last ten years.

Planning permission was originally granted on a temporary basis under ref: 12338 on 5th November 1990 for the siting and residential occupation of two mobile homes to support the development of an agricultural holding pursuant to an ADAS report. An application was subsequently submitted to seek renewal of the original consent and was refused by the Council on the grounds that the viability of the holding had not been established in order to overcome the policy objection to the development in the absence of a proven agricultural need. The Application was allowed on appeal.

A subsequent application ref. 21621 seeking renewal of the planning permission was refused on 12th March 1996. Given that the land is in an area where having regard to the policies and provisions of the Devon County Structure Plan (Third Alteration) the Council would only normally permit development necessary in the interests of agriculture, the Council do not consider that an agricultural justification for the continued siting and residential occupation of the two mobile homes has been provided such as to overcome this objection.

The Council do not consider that there should be any relaxation in the condition.

5. WHEN YOU ARE REQUIRED TO ACT

The Council require that the steps specified in paragraph 6 be undertaken within **THREE MONTHS** from the date when this notices takes effect.

6. WHAT YOU ARE REQUIRED TO DO

- 1) Cease the residential use of the mobile homes.
- 2) Remove the mobile homes from the land.
- 3) Reinststate the land to its former condition prior to the mobile homes being placed on the land.
- 4) Clear up and remove all rubbish and debris resulting from taking the above mentioned steps.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 1st August 1996 ("the effective date")* unless an appeal is made against it beforehand.

Dated : 24th June 1996

Signed :

Solicitor

on behalf of: North Devon District Council,
Civic Centre,
Barnstaple,
North Devon.
EX31 1EA.

* specific date, not less than 28 clear days after date of service

GUIDANCE NOTES FOR YOUR INFORMATION

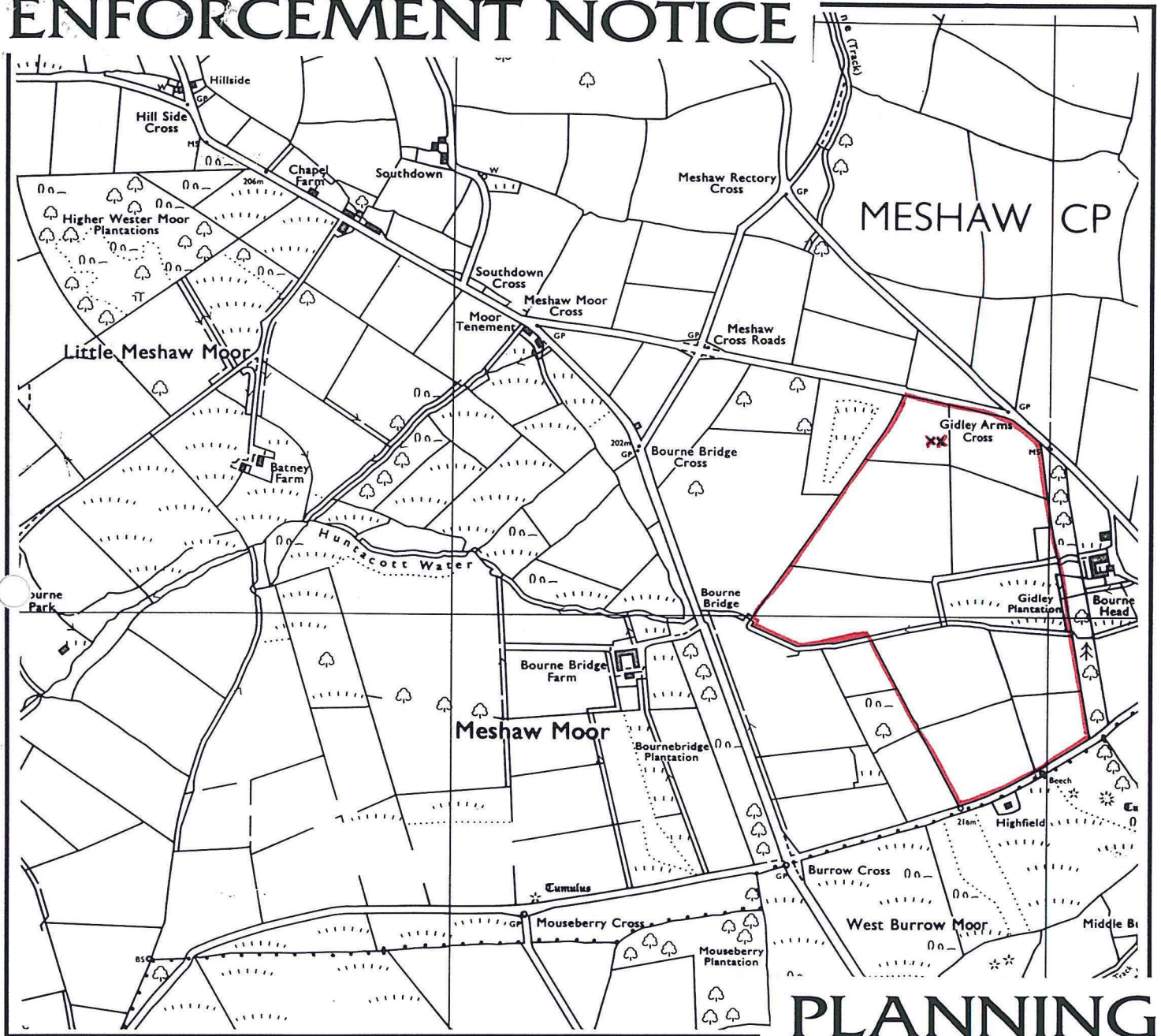
YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the effective date and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

ENFORCEMENT NOTICE

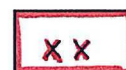


The Breach of Planning Control Which has Occurred:-
 Unauthorised Siting and Occupation of Two Mobile Homes,

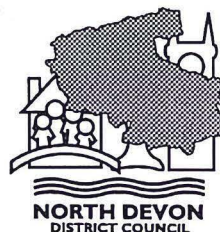
**Site:- Gidley Barton, Meshaw,
 South Molton.**

O.S. Plan No.	SS 71 NE
Scale	1:10 000
Drawn	Sue Thomas
Date	March 1996

NOTATION



The Site



M.J.Easton Dip.T.P. M.R.T.P.I.,
 Principal Planning Officer

Civic Centre, Barnstaple, Devon, EX31 1EA

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